

Remarks

The Examiner rejected claims 1-7, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Stern et al. (U.S. Patent No. 4,962,759) in view of McGee (U.S. Patent No. 5,926,909). Claim 1 has been amended to reflect that the remote control unit is capable of communicating with the controller which operates the air pump while the bather remains in the tub.

Stern deals with the problem of isolating the controls and other electrical portions of the mat disclosed from the bather while in the tub. Electrocutation is mentioned as a primary concern in the Stern patent. See col. 1, ll. 26-36, col. 1, ll. 56-57, col. 4, l. 64 - col. 5, l. 15. Similar concerns are addressed by the prior art, such as U.S. Patent No. 3,809,073 where the housing includes an isolating cover that prevents a bather from touching the electronic controls without first opening the cover to switch off the electric current. Given this history of concern about electrocution, it is not believed obvious for one to provide an electronic device that a bather could have with him while bathing. Thus, it is respectfully suggested that one skilled in the art would not find it obvious to combine a vacuum cleaner vehicle system remote control device with the bathtub mat system of Stern. Yet, the inventors have found that a remote can be used safely because the remote control device is electronically isolated from the control power supply.

Accordingly, Applicants submit that the Examiner's objection of claims 1-7, 10 and 11 is now overcome.

The Examiner rejected claims 8 and 9, which depend from claim 1, under 35 U.S.C. § 103(a) as being unpatentable over Stern and McGee as applied to claim 1, and further in view of Voorlas (U.S. Patent No. 3,420,227). As previously discussed, Applicants submit that it is not proper to combine the Stern and McGee references and therefore the combination of Stern and McGee in further view of Voorlas is inapplicable.

Accordingly, Applicants submit that the Examiner's rejection of claims 8 and 9 is now overcome.

The Examiner rejected claims 12 and 13, which depend from claim 1, under 35 U.S.C. § 103(a) as being unpatentable over Stern and McGee in further view of Kvalvik (U.S. Patent No. 5,715,546). As previously discussed, Applicants submit that it is not proper to combine the Stern and McGee references and therefore the combination of Stern and McGee in further view of Kvalvik is inapplicable.

Accordingly, Applicants submit that the Examiner's rejection of claims 12 and 13 is now overcome.

The Examiner rejected claims 14-25 under 35 U.S.C. § 103(a) as being unpatentable over Voorlas in further view of Rinaldo (U.S. Patent No. 6,114,002). The Examiner claims that it is obvious to incorporate foam blocks into the mat to provide additional comfort for the user. In response, independent claims 14 and 20 have been amended.

In the response to the initial office action Applicants argued that the Examiner failed to take into account the different uses of the Portable Hygienic Mat claimed in Rinaldo and the bath mat claimed in the present invention. The Hygienic Mat in Rinaldo is only used to stand on after getting out of the shower or while changing. The mat is not designed to be fully submerged in the water. The bath mat as claimed is designed to be fully submerged in water. Furthermore, the holes in the bath mat let water enter the mat. The differences as to how the prior art product and the claimed invention are used require different considerations as to the foam inserts. Since the foam blocks are directly next to channels which may be full of water, they need to be completely sealed so that water will not come into contact with the foam. If the foam blocks in the claimed bath mat become wet, they would tend to dry extremely slowly or perhaps not at all, due to the layers of vinyl surrounding them. These are considerations that do not need to be taken into account with the Hygienic Mat of Rinaldo. Applicants submitted that Rinaldo did not disclose or suggest the invention as claimed.

In response, the Examiner correctly stated that Applicants failed to claim that the foam blocks are sealed off thereby preventing water from coming in contact with the foam. Accordingly, independent Claim 14 is amended to state that the plurality of flexible blocks are sealed between the flexible member layers to prevent water contact with the blocks. In like manner, independent Claim 20 is amended to provide that the foam member is sandwiched and sealed between the layers to prevent water contact with the foam member.

Applicants submit that the Examiner's rejection of claims 14 and 20 and their dependent claims 15 - 19 and 21 - 25 is now overcome.

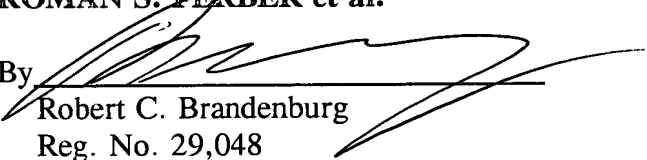
If the Examiner believes that a telephone conference will advance the prosecution of this application, such a conference with Applicant's attorney would be welcomed at the convenience of the Examiner.

For the foregoing reasons, Applicants believe the Office Action of December 4, 2002 has been fully responded to and requests reconsideration of the application. Consequently, in view of the above amendments and remarks, Applicant respectfully contends that the application is in condition for allowance. The examiner is respectfully requested to pass this case to issue.

Respectfully submitted,

ROMAN S. FERBER et al.

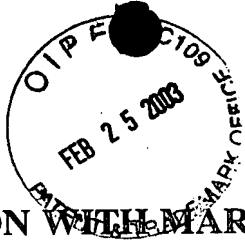
By


Robert C. Brandenburg
Reg. No. 29,048
Attorney for Applicants

Date: February 20, 2003

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

Attachment

RECEIVED
FEB 27 2003

TECHNOLOGY CENTER R3700

Atty Dkt No. HOME 0459 PUS

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) An air bubble massage bathtub mat system for a bather in a tub comprising:

- an air pump that provides a source of compressed air;
- a mat having at least one air passage and a plurality of air outlet holes;
- a hose connecting the air pump to the air passage in the mat;
- a controller for controlling operation of the air pump; and
- a remote control unit capable of communicating with the controller while the bather remains in the tub but not being physically connected to the controller and electrically isolated from the controller power supply.

14. (Amended) An air bubble massage bathtub mat for an air bubble massage system that provides compressed air to the mat when the mat is disposed in a bathtub[,] comprising:

- a flexible member having at least two layers defining a plurality of air passages;
- a receptacle through which the compressed air is provided to the air passages;
- a plurality of air holes formed in the air passages through which compressed air is emitted from the air passages into the bathtub; and
- a plurality of flexible blocks secured between the layers defining the plurality of air passages at spaces adjacent the air passages and sealed between the layers to prevent water contact.

20. (Amended) An air bubble massage bathtub mat for an air bubble massage system that provides compressed air to the mat comprising:

- a flexible member having at least two layers defining a plurality of air passages;
- a receptacle through which the compressed air is provided to the air passages;
- a plurality of air holes formed in the air passages through which compressed air is emitted from the air passages; and
- at least one foam member sandwiched and sealed between the layers defining the plurality of air passages to prevent water contact with the foam member.